

14. (NEW) The method of claim 13 wherein said depth is measured by determining the difference between a predetermined distance between a depth measuring signal source to a bottom of said channel and a distance measured from said depth measuring signal source to said liquid surface.

15. (NEW) The method of claim 13 wherein said signal is directed at said liquid surface at a predetermined angle.

### Remarks

Claim 9 has been amended to reflect that the “signal has an unobstructed path to the fluid surface.” As described in the specification at column 3, lines 31-33 and shown in Figure 1, the signal that is sent from the radar velocity sensor travels through an unobstructed path to the fluid surface. None of the prior art patents teach directing the signal through an unobstructed path to the fluid surface. Therefore, this claim limitation in amended claim 9 is not taught by the prior art.

Further, claim 9 teaches in the preamble a “method for measuring the velocity of a free fluid surface flowing in a predetermined direction in an *open channel or flume* of a fixed shape.” (emphasis added) The most relevant prior art patents teach measuring the flow of blood through a vessel in a body. Of course, a blood vessel is not an open channel or flume. Therefore, all of the claim limitations of the patent at issue are not met by the prior art patents.

The most relevant prior art patents do not specifically teach the use of generated electrical signals to determine Doppler frequency shift and thus calculate the velocity of the fluid surface. Rather, the prior art patents teach using microwave signals to determine Doppler frequency shift.

Microwave signals are one specific subset of electrical signals. In other words, the category of "electrical signals" is broader than "microwave signals." Therefore, the most relevant prior art patents do not teach the use of electrical signals to determine Doppler frequency shift.

New claim 9 has been added to reflect that the open channel or flume has a "predetermined cross-section," as stated in the specification at column 3, lines 44-47.

Finally, new claim 9 has been added to reflect that the "depth of said fluid travelling through the channel" is measured, as stated in the specification at column 3, lines 55-57.


#### Reissued Oath

Applicant has included an executed SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION TO CORRECT "ERRORS" STATEMENT.

#### Summary

Applicant respectfully submits that the patent application is now in condition for allowance. Therefore, an indication of allowability is respectfully requested.

Respectfully Submitted,

  
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